

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 5:07-CR-50042-JLH

No. 5:09-CV-05010-JLH

DANIEL WARREN DOWDY

DEFENDANT

O R D E R

Now on this 3rd day of April, 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge, Hon. James R. Marschewski** (document #25, filed March 9, 2009), in this matter, to which the United States of America filed a response (Doc. #20) and the Petitioner filed a Reply (Doc. #24) and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's Motion to Vacate, Set Aside, or Correct a Sentence pursuant to 28 U.S.C. Section 2255 (Doc. #17) is hereby **dismissed with prejudice**.

IT IS SO ORDERED.

/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE